IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.2419 OF 2005

Sean Wassoodew — Petitioner
vs.
Municipal Corporation of Gr.Mumbai — Respondents

Mr.Santosh Shetty i/b.M/s.M.P.Vashi & Associates for the petitioner.

Ms.A.K.Savla for the respondents.

CORAM : F.I.REBELLO &
ANOOP V. MOHTA,JJ.

DATED : 20th November, 2006

P.C.

Rule. Heard forthwith.

2. A notice of demolition was issued against the petitioner in respect of a construction which was put up. Shri P.S.Kokate, Assistant Engineer (B & F) 'A' Ward, visited the site and in his report pointed out that considering the heavy sections of wood joist which was involved, it appears that it was to be used as fullfledged mezzanine floors and therefore suggested that wooden joist be removed. Subsequent to that the petitioner has filed an affidavit enclosing photographs showing that the size of the wooden frames have been reduced from 0.15 mts x 0.07 mts. to 0.05 mts. x 0.03 mts. and an undertaking is given in the said affidavit

dated 12.10.2006 that the portion above the false ceiling would not be used either as mezzanine floor or loft for storage purposes.

3. The undertaking given in the affidavit dated 12.10.2006 is accepted. In the light of that, rule made absolute in terms of prayer (b). Petition disposed of accordingly. No order as to costs.

(F.I. REBELLO, J.)

(ANOOP V. MOHTA,J.)